

## **II. Remarks**

Reconsideration and allowance of the subject application are respectfully requested.

For the purposes of rapidly advancing this case to issue, Claims 12-38 and 70 have been cancelled without prejudice, rendering the Examiner's rejections and objections moot, and new claims 71 to 77 have been added.

## **Claim Status**

Claims 12-38 and 70 cancelled

Claims 71 – 77 are new

Claim 71 is independent

Claims 72 – 77 are dependent

All claims amendments made herein are made for the purposes of clarity with respect to the specification and drawings, and not for any reason related to any statutory requirement for patentability. The new claims are fully supported in the specification and drawings, and are believed to be allowable.

In particular, independent Claim 71 recites a novel combination of structure and/or function whereby a system for providing reliable transport of data between a client computer system and a server computer system through a computer network, includes a server protocol stack executing at the server computer system. A client protocol stack executes at the client computer system and communicates with the server protocol stack through the computer network. Notably, the client protocol stack and server protocol stack cooperate to determine successful transmission of data between

the client computer system and the server computer system and to appropriately retransmit data between the client computer system and the server computer system upon a determined failure. The determination of a failure in transmission is performed with reference to predefined criteria. A software application executes on the client computer system and can select the predefined criteria for the client protocol stack from a set of predefined criteria, each predefined set of criteria being suitable for a different set of transmission circumstances and software application types.

In contrast, Soles discloses receiving, on behalf of an application server, a request packet transmitted from a client of the application server, in accordance with the TCP/IP communication protocol, and then determining whether the received request packet is a re-transmission. If the received request packet is not a re-transmission, the application server is notified of the received request packet, and transmission of an acknowledgement of the request packet to the client is deferred. An answer packet is then received from the application server, and the acknowledgement of the request packet is transmitted to the client together with the answer packet. Soles is not seen to disclose or suggest the above-noted claimed combination including, *inter alia*, a software application that executes on the client computer system and can select predefined criteria for the client protocol stack from a set of predefined criteria, each predefined set of criteria being suitable for a different set of transmission circumstances and software application types.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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